

#EO-1021
OFW

SURFACE TRANSPORTATION STB
SECTION OF ENVIRONMENTAL ANALYSIS

POST POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-364 (Sub-No. 13X)

September 4, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition and Add New Condition in
AB-364 (Sub-No. 13X) Mid- Michigan Railroad, Inc. –
Abandonment Exemption – In Muskegon County, MI

In this proceeding, the Mid-Michigan Railroad (MMMR) filed a notice of exemption with the Surface Transportation Board (Board) seeking approval authority to abandon a 3.35 mile line of railroad in Muskegon County, Michigan. By decision served on December 14, 2007, the STB imposed one environmental (historical) condition.

The condition required MMRR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed and the Board has removed this condition.


The attached correspondence, dated June 16, 2008, from the Michigan Department of History, Arts, and Libraries (MI State Historic Preservation Officer or MI SHPO) indicates that the MI SHPO has determined that there are no National Register listed or eligible properties affected by this undertaking. However, the SHPO has requested that it be notified, should the scope of work change or if any bones are discovered during salvage. The Section of Environmental Analysis (SEA) concurs with the MI SHPO's determination that the proposed abandonment would not affect historic properties listed or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11 (d), consists of the railroad's historic report, all

relevant correspondence, and the EA, which have been made available to the public through the Board's website. SEA therefore recommends that the Section 106 condition imposed by the Board in this proceeding be removed at this time, but at the SHPO's request, is recommending a new condition to address inadvertent discovery of artifacts during salvage.

New Condition

1. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, Mid-Michigan Railroad (MMRR) shall immediately cease all work and notify the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the MI SHPO pursuant to 36 CFR 800.13(b). SEA shall then consult with the SHPO, interested Federally recognized tribes, MMRR, and any other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

SEA CONTACT:

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Distribution:

Ann Newman, Office of Proceedings
SEA Chron
ECT

Attachment (1)



AEI-8926
AB 364 13X
D7W

JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HISTORY, ARTS AND LIBRARIES
LANSING

DR. WILLIAM ANDERSON
DIRECTOR

June 16, 2008

DIANA WOOD
SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS
395 E STREET SW SUITE 1100
WASHINGTON DC 20423

RE: ER-99-392 STB Docket No. AB-364 (Sub-No. 13X), Muskegon County (STB)

Dear Mr. Brady:

Under the authority of Section 106 of the National Historic Preservation Act of 1966, as amended, we have reviewed the above-cited undertaking at the location noted above. Based on the information provided for our review, it is the opinion of the State Historic Preservation Officer (SHPO) that **no historic properties are affected** within the area of potential effects of this undertaking.

The views of the public are essential to informed decision making in the Section 106 process. Federal Agency Officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties and other provisions per 36 CFR § 800.2(d). We remind you that Federal Agency Officials or their delegated authorities are required to consult with the appropriate Indian tribe and/or Tribal Historic Preservation Officer (THPO) when the undertaking may occur on or affect any historic properties on tribal lands. **In all cases**, whether the project occurs on tribal lands or not, Federal Agency Officials or their delegated authorities are also required to make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties per 36 CFR § 800.2(c-f).

This letter evidences the STB's compliance with 36 CFR § 800.4 "Identification of historic properties", and the fulfillment of the STB's responsibility to notify the SHPO, as a consulting party in the Section 106 process, under 36 CFR § 800.4(d)(1) "No historic properties affected".

The State Historic Preservation Office is not the office of record for this undertaking. You are therefore asked to maintain a copy of this letter with your environmental review record for this undertaking. If the scope of work changes in any way, or if artifacts or bones are discovered, please notify this office immediately.

If you have any questions, please contact Brian Grennell, Environmental Review Specialist, at (517) 335-2721 or by email at ER@michigan.gov. **Please reference our project number in all communication with this office regarding this undertaking.** Thank you for this opportunity to review and comment, and for your cooperation.

Sincerely,

Brian D. Conway
State Historic Preservation Officer

BDC:JRH:ROC:bgg

Copy: Louis Gitomer